

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

Case No. 1:86-cr-10004

Case No. 1:97-cr-10005

Case No. 1:97-cr-10006

LESLIE ISBEN ROGGE

DEFENDANT

ORDER

Before the Court is Defendant Leslie Isben Rogge's Motions to Reconsider the Court's prior order. ECF No. 86.¹ Defendant seeks to have the Court reconsider its prior order (ECF No. 86) denying Defendant's Motion for Compassionate Release (ECF No. 84). The Court previously found that Defendant did not show that he had exhausted the required administrative remedies prior to filing his motion for release. ECF No. 86, p. 4. In the instant motion, Defendant states that his statement that his request for release to his warden had been denied was in error. Defendant explains that his warden never answered his request for release, which Defendant mistakenly misunderstood as a denial.

Upon consideration, the Court finds that Defendant has shown good cause for a partial reconsideration of the Court's prior order. If Defendant has not received an answer from his warden regarding his request for release, then he has exhausted his administrative remedies. *See* 18 U.S.C. § 3582(c)(1)(A)(i). Accordingly, the Court's prior order (ECF No. 86) is hereby **STRUCK**, and Defendant's motion (ECF No. 84) shall be considered pending. The Court will

¹ Defendant has filed an identical motion in three cases. *See* Ark. W.D. Case No. 1:86-cr-10004, ECF No. 84; Ark. W.D. Case No. 1:97-cr-10005, ECF No. 31; Ark. W.D. Case No. 1:97-cr-10006, ECF No. 31. The Court will refer to the motion filed in Case No. 1:86-cr-10004 (ECF No. 86) in analyzing the merits of his motion, unless otherwise noted.

appoint the Federal Public Defender to represent Defendant regarding his request for compassionate release. The Court's orders in the parallel matters will also be struck, with Defendant's motions now considered pending. The motions that are now considered pending are Ark. W.D. Case No. 1:97-cr-10005, ECF No. 29; and Ark. W.D. Case No. 1:97-cr-10006, ECF No. 29. The Court's orders to be struck are Ark. W.D. Case No. 1:97-cr-10005, ECF No. 30; and Ark. W.D. Case No. 1:97-cr-10006, ECF No. 30.

IT IS SO ORDERED, this 3rd day of March, 2023.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge